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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,701	02/11/2000	Philip F. Fox	F351-12.0001	5544
7590	03/08/2006		EXAMINER ROWAN, KURT C	
Philip F. Fox 10985 40th Place Plymouth, MN 55441			ART UNIT 3643	
PAPER NUMBER				
DATE MAILED: 03/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Wolniak for substantially the same reasons stated in the last Office Action.
3. Wolniak shows a plurality of elongate shells 30 each having an interior surface that defines an elongate cavity. The lure as shown in Fig. 3 is ice fishing tackle which is positioned within the elongate cavity. Wolniak shows layers 21 and 26 of a panel of floatation material to hold the elongate tubes 30 in position. At least two of the elongate shells are capable of serving as legs that will stably support the apparatus on a surface when the at least two elongate shells are positioned in contact with the surface with the spacing structure effective to prevent slippage of the at least two elongate shells with respect to the spacing structure.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolniak. The patent to Wolniak shows a fishing tackle container as discussed above. Wolniak defines elongate shells having an interior surface which defines a cavity having a length. Wolniak does not disclose that the cavity has a length that is adequate to accept a portion of an ice fishing rod from the tip of the rod to the reel or line windup. At any rate, it would have been obvious to increase or decrease the length of the cavity to hold the type of fishing tackle desired to prevent an accidental discharge of the tackle at an inopportune time.

Allowable Subject Matter

6. Claims 1-18 and 23-43 allowed.

7. Claims 20-22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed December 27, 2005 have been fully considered but they are not persuasive. Applicant argues that Wolniak does not show that the tubes are capable of serving as legs that will stably support the apparatus on a surface. However, this interpretation is not thought to be correct since Wolniak shows the spacing structure in position in Figs. 1-2 and does not state that this structure will change when the entire tube display is removed. If the structure did change, the tubes would not be supported adequately and the reinsertion of the entire display would prove

to be problematical at best. Hence Wolniak shows the structure that is capable of performing the intended use.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is (571) 272-6893. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink that reads "Kurt Rowan". The signature is fluid and cursive, with the first name "Kurt" and last name "Rowan" clearly distinguishable.

Kurt Rowan
Primary Examiner
Art Unit 3643

KR